

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

VITALIY KAGANOVICH,

Petitioner,

v.

MICHAEL CHERTOFF, Secretary of
the Department of Homeland Security,
et. al.,

Respondents.

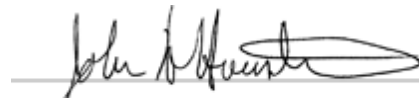
Civil No.07cv2403 JAH (AJB)

**ORDER GRANTING
PETITIONER'S VOLUNTARY
MOTION TO DISMISS
[Doc. No. 9]**

On May 9, 2008, Petitioner filed a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1) seeking to dismiss the action as moot, because Petitioner was removed sometime in March 2008. Because Respondent filed a response to the Petition, the Court shall treat the notice as a motion for voluntary dismissal pursuant to Rule 41(a)(2). See Fed.R.Civ.P. 41(a)(1).

Having received no opposition and good cause appearing, IT IS HEREBY ORDERED Petitioner's notice construed as a motion for voluntary dismissal is **GRANTED.**

DATED: May 14, 2008


JOHN A. HOUSTON
United States District Judge